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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/952,474	01/08/2003	Frederick Andrew Schofield		2744

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EXAMINER
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KATCHEVES, BASIL S

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

08/952,474

Applicant(s)

SCHOFIELD, FREDERICK  
ANDREW

Examiner

Basil Katcheves

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 November 1997.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-31, 33-37 is/are rejected.
- 7) ☒ Claim(s) 32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18-31 are rejected under 35 U.S.C. 102(b) as being anticipated by FR 2,654,137 to Valdebouze.

Regarding claim 18, Valdebouze discloses a building component comprised of a block (fig. 2) having a capping portion (fig. 2: 2), an outer overhang (fig. 1: 15) which extends downward and an inner leg (fig. 1: 6) which extends down from the capping portion. Valdebouze also discloses the cap having a flat top surface (fig. 2: 2a) and a flat under surface (fig. 2: 2b) which is parallel to the flat top and extends from an inner face of the cap to the inner side of the leg (fig. 1: 6).

Regarding claim 19, Valdebouze discloses insulation located at an inner end of the block (fig. 2: 28a).

Regarding claim 20, Valdebouze discloses an inner end of the capping portion as rebated (fig. 2: 12).

Regarding claims 21, 22 and 23, Valdebouze discloses a recess in the top of the capping portion (fig. 2: see 2a recessed below 4).

Regarding claims 24, 25 and 26, Valdebouze discloses a drip channel on the overhang (fig. 2: 16).

Regarding claims 27, 28 and 29, Valdebouze discloses the cap portion as having a larger mass than the overhang portion (fig. 2). Valdebouze also discloses the overhang as having multi cavities (fig. 2: 9, 12 & 13).

Regarding claims 30 and 31, Valdebouze discloses the block as made from a cementitious material (abstract).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over FR 2,654,137 to Valdebouze in view of U.S. Patent No. 5,261,984 to Minnick et al.

Regarding claim 33, Valdebouze does not disclose a wood grain effect on the overhang. Minnick discloses a method of imprinting a wood grain on concrete structures (column 1, lines 64-66). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Valdebouze by creating a textured wood surface, as disclosed by Minnick, in order to match the texture of an existing wood sided building.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over FR 2,654,137 to Valdebouze in view of U.S. Patent No. 5,108,679 to Rirsch et al.

Regarding claim 34, Valdebouze does not disclose the use of fiber reinforced concrete. Rirsch discloses the use of fiber reinforced concrete for use as roof tiles (column 1, lines 7-12). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Valdebouze by using the fiber reinforced cement, as disclosed by Rirsch, in order to increase the impact resistance of the block.

Claims 35, 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over FR 2,654,137 to Valdebouze in view of U.S. Patent No. 5,293,728 to Christopher et al.

Regarding claims 35 and 37, Valdebouze does not disclose the block as being on a double skinned wall. Christopher discloses a double skinned wall (fig. 3: 26 & 28). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Valdebouze by installing the block on a double skinned wall, as disclosed by Christopher, in order to better seal the roof to wall juncture. Also, Valdebouze does not disclose the use of multiple blocks. Valdebouze discloses the claimed invention except for side by side blocks. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use multiple blocks, since it has been held that a mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. V. Bemis Co.*, 193 USPQ 8.

Regarding claim 36, Valdebouze discloses a building component comprised of a block (fig. 2) having a capping portion (fig. 2: 2), an outer overhang (fig. 1: 15) which extends downward and an inner leg (fig. 1: 6) which extends down from the capping portion. Valdebouze also discloses the cap having a flat top surface (fig. 2: 2a) and a flat under surface (fig. 2: 2b) which is parallel to the flat top and extends from an inner face of the cap to the inner side of the leg (fig. 1: 6). However, Valdebouze does not disclose a single skinned wall with the block. Christopher discloses the use of a single skinned wall (column 3, lines 16-18). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Valdebouze by installing the block on a single skinned wall, as disclosed by Christopher, in order to aid the insulation of the wall by sealing the wall to roof junction.

### ***Claim Objections***

Claim 32 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited patents listed on the included form PTO-892 further show the state of the art with respect to gable overhang blocks in general.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (703) 306-0232. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (703) 308-0832.

BK *RK*

3/26/04



**BRIAN E. GLESSNER**  
**PRIMARY EXAMINER**